

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 & 238.1 to allow a front yard setback of 47' instead of 50' and a side yard setback of 11.4' instead of the required 30'; and Sections 255.1 & 238.4 to allow the display of vehicles 8' from the front property line in lieu of the required 35' or 42' in front of the required front building line instead of the permitted 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. That the subject site is an existing commercial site, and the building is already located as shown on the attached site plan and it is impractical and uneconomical to move it.
2. That the curbing and parking areas and vehicle display area there already in place on this existing commercial site, and have been long established, and it is impractical and uneconomical to relocate them.
3. That without the requested variances the Petitioners will sustain practical difficulty and unreasonable hardship and the requested variances are in harmony with the spirit and intent of the Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature: _____
City and State: _____

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
City and State: _____

Address: _____
City and State: _____

Attorney for Petitioner: _____
(Type or Print Name)

Signature: _____
City and State: _____

204 W. Pennsylvania Avenue
Address _____
City and State: _____

Towson, Maryland 21204
City and State: _____

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of December, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of February, 1987, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a used motor vehicle outdoor sales area and associated service repair facility in an M-L-CS-1 as an interim use in accordance with Section 253.2(c)12 of the Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature: _____
City and State: _____

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
City and State: _____

Address: _____
City and State: _____

Attorney for Petitioner: _____
(Type or Print Name)

Signature: _____
City and State: _____

204 W. Pennsylvania Avenue
Address _____
City and State: _____

Towson, Maryland 21204
City and State: _____

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of December, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of February, 1987, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of February, 1987, that the Petition for Special Exception for a used motor vehicle outdoor sales area with accessory minor associated repairs as an interim use in an M.L. Zone and, additionally, the Petition for Zoning Variances to permit a side yard setback of 11.4 feet from the existing garage in lieu of the required 30 feet, a front yard setback of 47 feet from the existing principal building in lieu of the required 50 feet, the display of vehicles 8 feet from the front property line in lieu of the required 35

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.

DESCRIPTION
10825 PULASKI HIGHWAY
ELECTION DISTRICT 11
BALTIMORE COUNTY, MARYLAND

This description is for a special exception and variances in a "BR-CS-1" zone and a "ML-CS-1" zone.

BEGINNING FOR THE same on the southeast side of Pulaski Highway (U.S. 40 East) at a point 630 feet ± northeast of the centerline of Ebenezer Road where said centerline intersects the southeast right-of-way line of said Pulaski Highway; thence binding on the southeast right-of-way line of Pulaski Highway (1) North 45 degrees 24 minutes 40 seconds East 240.24 feet; thence (2) South 52 degrees 04 minutes 20 seconds East 193.09 feet; thence (3) South 41 degrees 17 minutes 40 seconds West 265.05 feet; thence (4) North 44 degrees 35 minutes 20 seconds West 210.55 feet to the place of beginning.

Containing 1.17 acres of land, more or less (50,965 square feet).

RLS/deh KCI Job Order No. 01-86131P October 23, 1986
Work Order No. 41348



feet, and an extension of the front setback of 42 feet in lieu of the permitted 15 feet from behind which used vehicles must be located and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner shall submit verification from the Director of Public Works to the Zoning Commissioner that public sewerage will not be available to the site for a period of at least two years from the date of this Order.
2. This special exception shall terminate one year from the date public sewerage is made available to the instant site if the property is still zoned M.L.

Zoning Commissioner of Baltimore County

AJ/srl

cc: Newton A. Williams, Esquire
People's Counsel

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

within the B.L. Zone, will be used for minor attendant repairs to ready the used vehicles for sale. The Petitioners propose a maximum of 45 cars and light trucks for sale at any one time.

Variances are needed for the existing buildings, i.e., an 11.4-foot side yard setback to the west property line for the garage and a 47-foot front yard setback to the front property line from the existing diner. In addition, because of the many gas stations that line Pulaski Highway before reaching the instant site, used vehicles need to be located as close to Pulaski Highway as possible so that they are not obscured from prospective customers.

Mr. Smith testified that, in his opinion, the proposed use satisfies Section 502.1, Baltimore County Zoning Regulations (BCZR), and that the use is compatible with the other uses surrounding the instant site.

The Petitioners seek relief from Section 253.2.C.12, pursuant to Section 502.1, and from Sections 255.1 and 238.1; Sections 255.1 and 238.2; Sections 255.1, 238.3, and 409.2.c.(4); and Sections 255.1 and 238.4, Baltimore County Zoning Regulations (BCZR).

The special exception requested is an interim use, permitted only if no public services are available to the site. Once available, such use will expire within a year after such public services are so available. Here, public sewerage is not available, and the use would expire within one year after its availability.

It is clear that the BCZR permits the use requested by the Petitioners in an M.L. and B.R. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioners.

IN RE: PETITIONS SPECIAL EXCEPTION AND VARIANCES SE/S of Pulaski Highway, 630' NE of Ebenezer Road (10825 Pulaski Highway) - 15th Election District
Frank A. Patinella, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-324-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a used motor vehicle outdoor sales area with accessory minor associated repairs as an interim use in an M.L. Zone and, additionally, variances to permit a side yard setback of 11.4 feet from the existing garage in lieu of the required 30 feet, a front yard setback of 47 feet from the existing principal building in lieu of the required 50 feet, the display of vehicles 8 feet from the front property line in lieu of the required 35 feet, and an extension of the front setback of 42 feet in lieu of the permitted 15 feet from behind which used vehicles must be located, as more particularly described on Petitioners' Exhibits 1 and 2.

The Petitioners, by William S. Mitchell, appeared and testified and were represented by Counsel. Richard Smith, a registered civil engineer, testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, located on Pulaski Highway near Ebenezer Road and zoned primarily M.L. with a small portion zoned B.R., contains an abandoned diner. The Petitioners propose to convert the diner and property into a used motor vehicle outdoor sales area with accessory minor associated repairs. The diner will be used as an office and sales area. An existing garage to the rear of the property, of which a corner only is located

Mr. A. Jablon
Page 2
November 20, 1986

Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle

attachment

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 2, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 187 Zoning Advisory Committee Meeting are as follows:
Property Owner: Frank A. Patinella, et al
Location: SE/S Pulaski Highway, 630 feet NE Ebenezer Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.C. #17-1 - 1980) and other applicable Codes and Standards.
- (B) A building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (D) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- (E) All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- (F) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- (G) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (H) As per Section 103.0 and 103.1 amended, a change of occupancy is required. When filing for a required change of use/occupancy permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use A-1 to Use B-1, or to Mixed Use. See Section 312 of the Building Code.
- (I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- (J) Comments: New service garage shall comply to Section 609.0. Both buildings shall be accessible and useable by the handicapped. Provide handicapped parking for both structures. Provide curb cuts.
- (K) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

12/2/86

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

PAUL H. REINCKE
CHIEF

November 24, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Frank A. Patinella, et al

Location: SE/S Pulaski Hwy., 630' NE Ebenezer Road

Item No.: 187

Zoning Agenda: Meeting of 11/18/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

December 15, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 171, 174, 175, 176, 178, 179, 180, 181, 182, 184, 185, 186, and (187).

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

219
87-324-XA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner Date: January 27, 1987

FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-324-XA

In view of the uses of adjacent properties, the proposed use would be appropriate here. Since the setback variances are to recognize existing conditions, this office offers no comment.

NEG:JGH:alb

Baltimore County
Department of Public Works
Towson, Maryland 21204

Mr. Richard L. Smith
Kidd Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

Dear Mr. Smith:

This is in response to your letter of March 2, 1987 concerning the captioned property. The following comments were submitted to this Department from the Sanitary Sewer Design & Approval Section:

Design of facilities necessary to serve this property is currently underway. An optimistic schedule is for completion of design, acquisition of rights-of-way, obtainment of permits and advertising for bids will occur in 1988, with completion of construction anticipated in late 1989 or early 1990.

If you have any questions concerning the above, please do not hesitate to contact this office.

Very truly yours,

James A. Markle, P.E.
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:GDL:g

cc: File
A. Jablon
Newton Williams

RECEIVED
MAY 20 1987
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Re: 10825 Pulaski Highway
Zoning Petition #87-324XA

FRANK A. PATINELLA, et al.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 187 - Case No. 87-324-XA
Petitioner: Frank A. Patinella, et al
Petitions for Zoning Variance and Special Exception

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kib

Enclosures

cc: Kidd Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

JANUARY 20, 1987

Re: Zoning Advisory Meeting of NOVEMBER 18, 1986
Item # 187
Property Owner: FRANK A. PATINELLA, ET AL
Location: SE/S Pulaski Hwy. 630' NE.
EBENEZER RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by 8111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

cc: James Hoswell

David Fie's, Acting Chief
Current Planning and Development

April 20, 1987
Page 2

cc: The Honorable Arnold Jablon
C. Theresa Beck, Esquire
Mr. Frank Patinella
Mr. William S. Mitchell
Mr. Richard L. Smith

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-7800
J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM H. HESSON, JR.
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN
ROBERT S. GUSMANOW
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ALSO ADMITTED IN D.C.
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 282-2222
RUSSELL J. WHITE

April 20, 1987

Mr. Gene L. Neff, Director
Mr. Samuel A. Bellestri, Chief
Sanitary Sewer Design Division
Department of Public Works
County Office Building
Towson, Maryland 21204

Re: The Mitchell & Patinella Property,
Southeast Side of Pulaski Highway,
630 Ft. Northeast of Ebenezer Road.

Dear Mr. Neff & Mr. Bellestri:

By his findings and fact and conclusion of law, and Order of February 17, 1987, Commissioner Jablon granted, among other relief a Petition for Special Exception for a used motor vehicle outdoor sales area, and certain variances pursuant to Section 253.2C.12 of the Regulations which allows certain interim special exceptions provided that either public water or public sewer or both are unavailable to a site for at least two years after the time the order is granted.

Our engineer, Mr. Richard L. Smith, was told earlier that there will be no sanitary sewer available to this particular stretch of Pulaski Highway, northeast of Ebenezer Road for at least two years from February 17, 1987.

My clients have applied for certain Baltimore County and Department of Motor Vehicle permits, and the granting of these permits is being held up until this verification letter is obtained from your Department. Accordingly, it would be greatly appreciated if the appropriate staff member will promptly verify what we have repeatedly assured, namely, that sewer will not be available at this site until after February 17, 1989.

For your convenience, a copy of the Kiddle plat is enclosed. Thanking you and your staff for your prompt attention to this important matter, I am

Sincerely,

Newton A. Williams
Newton A. Williams

RECEIVED
APR 22 1987
ZONING OFFICE

Zoning Item # 187 Zoning Advisory Committee Meeting of 11-18-86
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
 - { } The results are valid until _____
 - { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others: 1) Backfill abandoned drilled well and pit 2) provide use so that septic tank manhole is accessible from ground surface 3) pump out and inspect septic tank.

Jan J. Forney
Jan J. Forney, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY DEPARTMENT OF HEALTH

12-11-86
RECEIVED
DEC 19 1986

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 187, Zoning Advisory Committee Meeting of 11-18-86
Property Owner: Frank A. Patinella, et al
Location: SE/S Pulaski Hwy. District 15
Water Supply: meteo Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tube, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
SE/S Pulaski Hwy., 630' NE of : OF BALTIMORE COUNTY
Ebenezer Rd. (10825 Pulaski Hwy)
11th District
FRANK A. PATINELLA, et al., : Case No. 87-324-XA
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of January, 1987, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Maryland Department of Transportation
State Highway Administration

November 20, 1986

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Att: James Dyer

RE: Baltimore County
Item #187
Property Owner: Frank A. Patinella, et al
Location: SE/S Pulaski Highway, (Maryland Route 40-E), 630' NE Ebenezer Rd.
Existing Zoning: M.L. CS1 and B.R. CS1
Proposed Zoning: Special exception for a used motor vehicle outdoor sales area and associated service repair facility & Variance to allow a front yard setback of 47' instead of the required 40' & to allow a side yard setback of 11.4' instead of required 30' to allow the display of vehicles 8' from the front property line in lieu of the req. line instead of the permitted 15'
Area: 1.17 acres
District: 15th

Dear Mr. Jablon:

On review of the submittal of 10/22/86 for Special Exception and Variance, the State Highway Administration will require the site plan to be revised.

The revised site plan must show the existing entrance over-layed to meet the approval of the S.H.A. Permit Inspector.

All work within the State Highway Administration right-of-way must be through S.H.A. Permit with the posting of a \$5,000.00 bond or Letter of Credit to guarantee construction.

Very truly yours,

Chub L

Continued
My telephone number is 333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5032 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES

11th Election District

Case No. 87-324-XA

LOCATION: Southeast Side Pulaski Highway, 630 feet Northeast of Ebenezer Road (10825 Pulaski Highway)

DATE AND TIME: Monday, February 9, 1987, at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a used motor vehicle outdoor sales area and associated service repair facility as an interim use in an M.L.-C.S.-1 Zone

Petition for Zoning Variances to permit a 47 foot front yard setback in lieu of the required 50 feet; an approximate 11.4 foot side yard setback in lieu of the required 30 feet; the display of vehicles 8 feet from the front property line in lieu of the required 35 feet; and 42 feet in front of the required front building line in lieu of the permitted 15 feet

Being the property of Frank A. Patinella, et al, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
January 2, 1987

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
SE/S Pulaski Highway, 630' NE of Ebenezer Rd.
(10825 Pulaski Highway)
11th Election District
Frank A. Patinella, et al - Petitioners
Case No. 87-324-XA

TIME: 1:30 p.m.

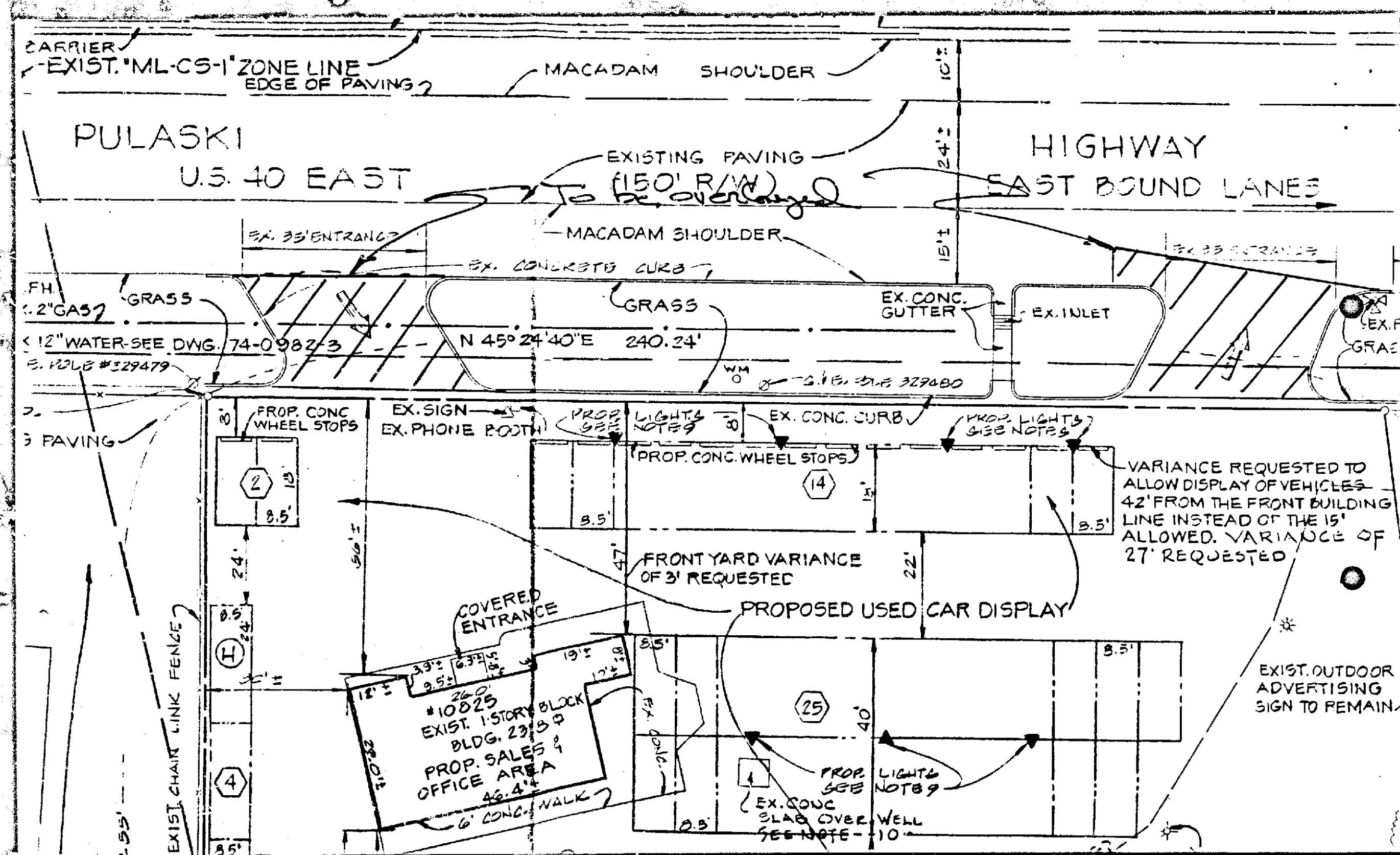
DATE: Monday, February 9, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

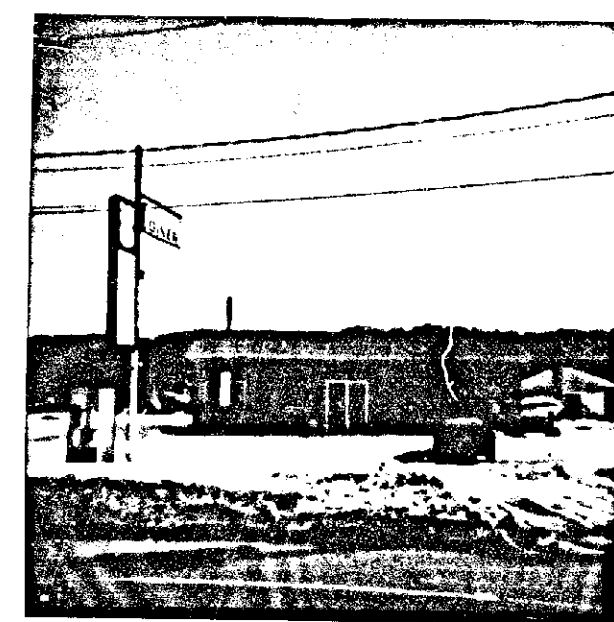
Arnold Jablon
Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 025671

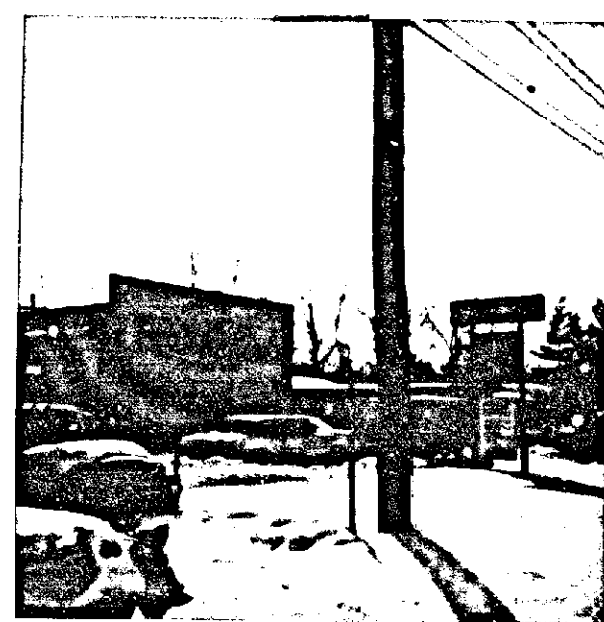
DATE 11/7/86 ACCOUNT 01-615
AMOUNT \$ 200.00
RECEIVED FROM
FOR
VALIDATION OR SIGNATURE OF CASHIER



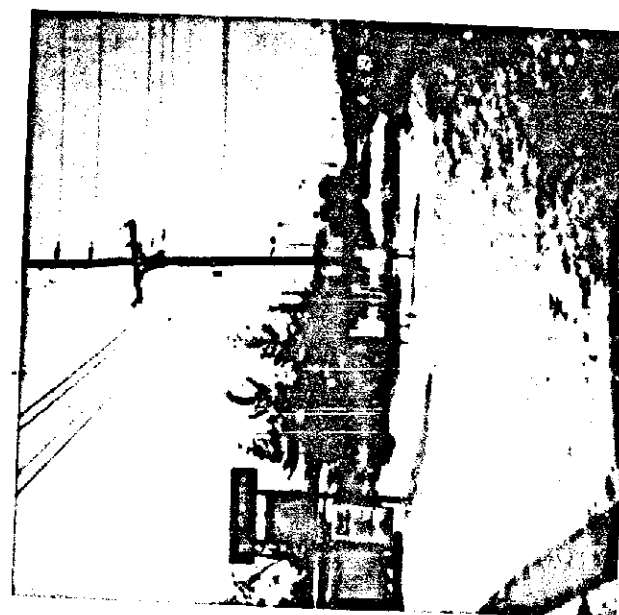
A. LOOKING EAST ON PULASKI HWY. FROM SITE



B. SUBJECT SITE & BLDG. ON S/3 PULASKI HWY.



C. BODY OF FEEDER SHOP TO WEST ON S/3 OF PULASKI HWY.



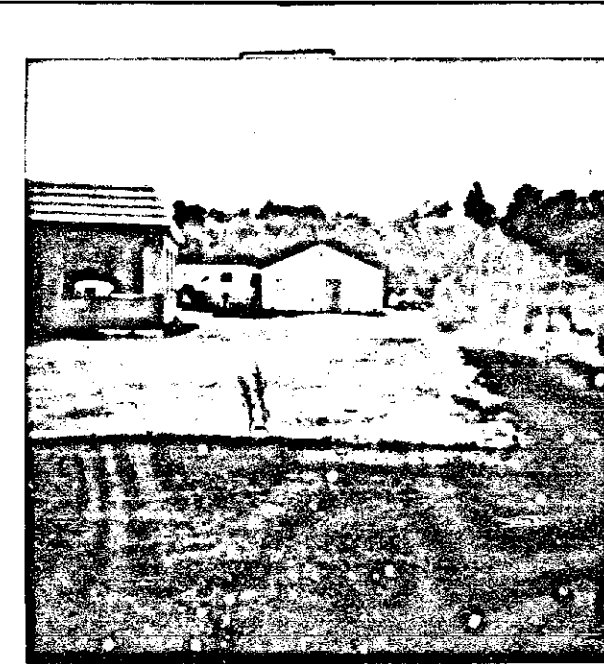
D. LOOKING W ON S/3 PULASKI HWY FROM SITE



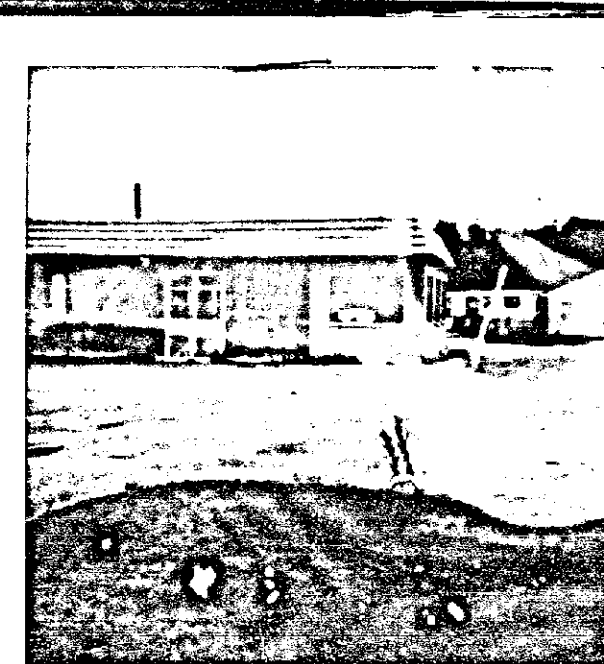
A. Looking West toward Ebenezer Road from site



B. Body shop to west



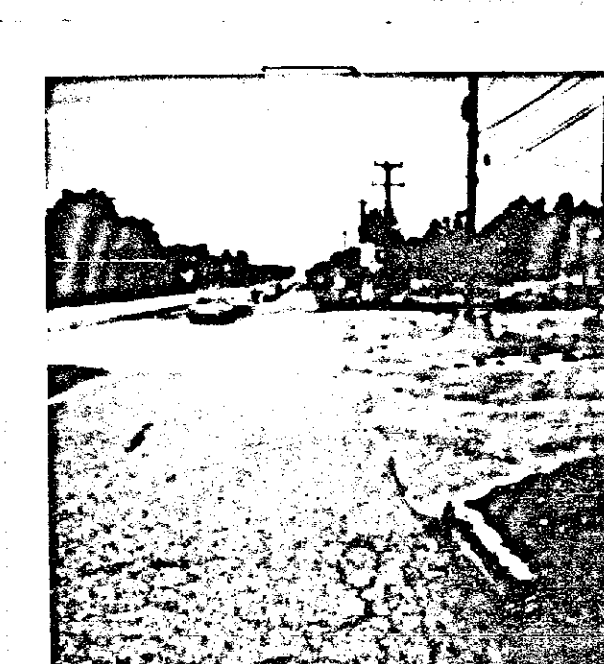
C. Small garage and west side of building



D. Front of building



E. East side of building, showing additions removed.



F. Looking East on Pulaski Highway from site

87-324-X1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
22nd day of December, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Frank A. Patinella, et al Received by: James F. Dyer
Petitioner's Attorney: Newton A. Williams, Esquire Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11 Date of Posting: 1-14-87
Posted for: Frank A. Patinella
Petitioner: Variance & Special Exception
Location of property: 10825 Pulaski Hwy.
Location of Sign: Front Median & Behind Shoulder
Remarks: _____
Posted by: GCF Date of return: 1-14-87
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 22, 1987.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 22, 1987.

THE JEFFERSONIAN,

Lucian Scuderi
Lucian Scuderi
Publisher

Cost of Advertising
33.00

PETITIONERS FOR SPECIAL EXCEPTION AND VARIANCES
11th Election District
Case No. 87-324-X1
LOCATION: Southeast Side Pulaski Highway, 430 feet Northeast of Ebenezer Road (10825 Pulaski Highway)
DATE AND TIME: Monday, February 9, 1987, at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Special Exception for a used motor vehicle outdoor sales area and associated service repair facility as an interim use in an M-L-C-S-1 Zone.
Petition for Zoning Variance to permit a 42 foot front yard setback in lieu of the required 15 feet; an approximate 11 foot side yard setback in lieu of the required 30 feet; the display of vehicles 42 feet from the front property line in lieu of the required 15 feet; and 42 feet from the required front building line in lieu of the permitted 15 feet.
Being the property of Frank A. Patinella, et al, as shown on plat filed with the Zoning Office.
In the event that the Petitioners are granted a building permit may be issued within the forty (40) day appeal period. The Zoning Commission will, however, entertain requests for a stay of the issuance of said permit during this period and good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of:
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
1245 Jan. 22.

87-324
The Times
Middle River, Md., Jan. 22, 1987
This is to certify, that the annexed was inserted in The Times, a newspaper printed and published in Baltimore County, once in each successive day of January, 1987.
Arnold Jablon
Arnold Jablon
Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL EXCEPTION AND VARIANCES
11th Election District
Case No. 87-324-X1
LOCATION: Southeast Side Pulaski Highway, 430 feet Northeast of Ebenezer Road (10825 Pulaski Highway)
DATE AND TIME: Monday, February 9, 1987, at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
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Petition for Zoning Variance to permit a 42 foot front yard setback in lieu of the required 15 feet; an approximate 11 foot side yard setback in lieu of the required 30 feet; the display of vehicles 42 feet from the front property line in lieu of the required 15 feet; and 42 feet from the required front building line in lieu of the permitted 15 feet.
Being the property of Frank A. Patinella, et al, as shown on plat filed with the Zoning Office.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER
February 2, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Newton A. Williams, Esquire
Nolan, Plunhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
SE/S Pulaski Highway, 630' NE of Ebenezer Rd.
(10825 Pulaski Highway)
11th Election District
Frank A. Patinella, et al - Petitioners
Case No. 87-324-X1

Dear Mr. Williams:

This is to advise you that \$90.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 29920

County, Maryland, and remit ing, Towson, Maryland

DATE: 2/2/87 ACCOUNT: 87-324-X1

2 SIGNS & POSTS
RECEIVED: 2/2/87 AMOUNT: \$90.48

FROM: Nolan, Plunhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD. 21204

FOR: ADVERTISING & POSTING COSTS RE CASE 87-324-X1

VALIDATION OR SIGNATURE OF CARRIER

3a

#2

3b

